

REMARKS

A. Status of the Application

Claims 1-20 were pending. Claims 1, 11, and 18 have been amended. No new matter was introduced. Therefore, claims 1-20 remain pending and are presented for reconsideration.

B. Section 103 Rejection

1. Claims 1-3, 6-7, 9-13, 15, 18, and 20 are Patentably Distinct

Claims 1-3, 6-7, 9-13, 15, 18, and 20 stand rejected under 35 U.S.C § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,856,913 to Silberstein. Applicant respectfully traverses.

Amended independent claim 1 recites, in part, “unencrypted raw test response and unencrypted test result data within the computer device is not accessible to a user of the computer device.” Amended independent claims 11 and 18 recite a similar limitation.

The Specification discloses that “all raw and processed data is encrypted prior to being written into a non-volatile memory 350 or transmitted through network interface 360 thereby making it accessible only by the test group that administers the clinical trial.” (Page 10, lines 5-10. Emphasis added.). The Specification further notes that the “only users with access to the decryption method for decrypting the encrypted result data have practical access to test result and raw data received from the test subject.” (Page 3, lines 11-13. Emphasis added).

The Office states the Silberstein reference fails to explicitly teach or suggest unencrypted raw test response and unencrypted test result data within the computer device and suggests that the passage on column 8, lines 29-31 of the Silberstein reference discloses security issues that would allegedly make the elements of claim 1 obvious. *See* pages 2 and 3 of the Office Action mailed 10/3/05. The relied upon citation discloses a high security computer network firewall to prevent malicious hacking, presumably unauthorized users, *e.g.*, those without access to the computer. *See* column 8, lines 28-31. However, it is known in the art that a network firewall does not preclude those with rights to the computer (*e.g.*, authorized users of the computer) from accessing the computer and thus, does not preclude access to unencrypted raw test response and unencrypted test result data within the computer device.

For at least these reasons, independent claims 1, 11, and 18, and their respective dependent claims are patentably distinct over the cited reference. Applicant respectfully requests the removal of the § 103 rejection.

2. *Claims 4-5 and 16-17 are Patentably Distinct*

Claims 4-5 and 16-17 stand rejected under 35 U.S.C § 103(a) as allegedly being unpatentable over the Silberstein reference in further view of U.S. Patent No. 6,550,011 to Sims, III. In light of the claim amendments and following comments, Applicant respectfully traverses.

As noted above, the Silberstein fails to teach or suggest the elements of independent claims 1 and 11. The Sims reference fails to provide the deficiencies. The Sims reference provides techniques for protecting data. In one respect, Sims addresses the unauthorized use of protected material. *See* column 7, lines 60-64. However, Sims fails to teach or address protecting unencrypted data, and in particular, unencrypted raw test response and unencrypted test result data within the computer device such that they are not accessible to a user of the computer device, as recited in claims 1 and 11.

For at least these reasons, independent claims 1 and 11, and their respective dependent claims are patentably distinct over the cited references. Applicant respectfully requests the removal of the section 103 rejections.

3. *Claims 8, 14, and 19 are Patentably Distinct*

Claims 8, 14, and 19 stand rejected under 35 U.S.C § 103(a) as allegedly being unpatentable over the Silberstein reference in further view of U.S. Publication No. 2002/0052562 to Lipman. In light of the claim amendments and following comments, Applicant respectfully traverses.

The Lipman reference is directed to pain assessment. *See* Abstract. The Lipman reference is silent to any teaching or suggestion for unencrypted raw test response and unencrypted test result data within the computer device and making them inaccessible to a user of the computer device, as recited in claims 1, 11, and 18.

Both the Lipman and Silberstein references, separately or in combination, fail to teach or suggest all the elements of the independent claims. For at least these reasons, claims 1, 11, and 18, and their respective dependent claims are patentably distinct over the cited references.

PETITION FOR EXTENSION OF TIME

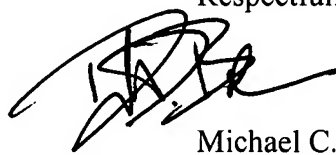
Pursuant to 37 C.F.R. § 1.136(a), Applicant petitions for an extension of time of one-month up to and including February 3, 2006, in which to respond to the outstanding Action. A check for the large entity fee for a one-month extension of time (\$120.00) is enclosed. Should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included, the Commissioner is authorized to deduct or credit said fees to or from Fulbright & Jaworski Deposit Account No. 50-1212/UHGI:106US/MCB.

CONCLUSION

Applicant believes that these remarks fully respond to all outstanding matters for this application. Applicant respectfully requests that the rejections of all claims be withdrawn so the claims may swiftly pass to issuance.

Should the Examiner desire to sustain any of the rejections discussed in this Response, the courtesy of a telephone conference between the Examiner, the Examiner's supervisor, and the undersigned attorney at 512-536-3018 is respectfully requested in advance.

Respectfully submitted,



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